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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,337 | 07/07/2003 | Steven Moder | 23564-07876 | 8764 |
| 758 | 7590 | 06/15/2005 | | |
| FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | | | EXAMINER PILLAI, NAMITHA |
| | | | ART UNIT 2173 | PAPER NUMBER |

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|--------------|--|
| Application No. | Applicant(s) | |
| | MODER ET AL. | |
| Examiner | Art Unit | |
| Namitha Pillai | 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/05.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 7 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 4, 965, 819 (Kannes).

Referring to claim 7, Kannes discloses a video teleconferencing system for displaying and capturing video at eye level at the target location (Figures 3 and 4). Kannes discloses a video display screen positioned face up to display an image of a source operator (Figure 4A). Kannes discloses a two-way mirror hung at an angle above the video display screen so that the reflective side reflects the video display screen image back to a target operator at eye-level and a camera positioned on the non-reflective side of the two-way mirror to capture the target operator at eye-level and an audio system for capturing sound (Figure 3 and column 3, lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 789, 109 B2 (Samra et al.), herein referred to as Samra and further in view of Kannes.

Referring to claim 1, Samra discloses a method of collaboratively editing in real-time (column 11, lines 18-22). Samra discloses transmitting the media content from the non-linear editing system at the source location to a target location (column 2, lines 30-34). Samra discloses displaying the media content simultaneously at both the target and source locations, controlling playback of the media content by the non-linear editing system at the source location by an editing control console at the target location (column 11, lines 28-31). Samra discloses overlaying information over the media content at the target location and sending the overlay information to the source location (column 2, lines 30-34 and column 6, lines 8-12). Samra does not disclose manipulating remotely audio levels during editing. Kannes discloses remote users of system manipulating remotely audio levels during editing (column 12, lines 3-13). It would have been obvious for one skilled in the art, at the time of the invention to learn from Kannes to manipulate remotely audio levels during editing. The feature of manipulating remotely audio levels allows for the users at a computer system to use components of that system to adjust the audio levels of media the user is listening to. Kannes further teaches a common element that is included in computer systems, wherein including a volume adjuster that allows for users at a remote computer system to adjust the audio levels during video teleconferencing. Such a common element that is found in computer systems would obviously be also included in the computer system of Samra allowing for users to remotely manipulate the audio levels. Hence it would have been obvious for one skilled in the art, at the time of the invention to manipulate remotely audio levels during editing.

Referring to claim 2, Samra discloses utilizing a computer system at the target location to add graphics, text and other information to the media content (column 2, lines 2-9).

Referring to claim 3, Samra discloses capturing video and audio at a source location, transmitting source video and source audio to a target location, broadcasting source audio over target audio system and displaying source video at the target location on a display screen oriented generally face up (column 9, lines 49-67). Samra discloses obtaining target audio at the target location (column 7, lines 30-32). Samra also discloses sending captured target video and target audio for display and broadcast at the source location (column 9, lines 61-67). Samra does not disclose reflecting source video into a two-way mirror positioned at an angle such that the source video is displayed on the two-way mirror at eye level to the target capturing target video at the target location from a target capturing camera positioned behind the two-way mirror in such way that the capturing camera is about eye level to the target operator. Kannes discloses reflecting source video into a two-way mirror positioned at an angle such that the source video is displayed on the two-way mirror at eye level to the target capturing target video at the target location from a target capturing camera positioned behind the two-way mirror in such way that the capturing camera is about eye level to the target operator (column 3, lines 1-14). It would have been obvious for one skilled in the art at the time of the invention to learn from Kannes to implement reflecting source video into a two-way mirror positioned at an angle such that the source video is displayed on the two-way mirror at eye level to the target capturing target video at the target location from a target capturing camera positioned behind the two-way mirror in such way that the capturing camera is about eye level to the target operator. Kannes discloses an invention, wherein basic video conferencing mechanisms are used for a group of users to communicate with each other, wherein this conferencing system is much like the conferencing system of Samra. Kannes further teaches specific implementations of the mechanisms for

carrying out the video teleconferencing, which can be used by a conferencing system as that disclosed in Samra. It would have been obvious for one skilled in the art, at the time of the invention to learn from Kannes implement reflecting source video into a two-way mirror positioned at an angle such that the source video is displayed on the two-way mirror at eye level to the target capturing target video at the target location from a target capturing camera positioned behind the two-way mirror in such way that the capturing camera is about eye level to the target operator.

Referring to claim 4, Samra discloses recording the target video and audio at the source location for play back at a later time or at a location other than the source location (column 12, lines 44-50).

Referring to claim 5, Samra discloses a system for providing media content to a target location including a non-linear editing system and an audio system for the creation of the media content (column 2, lines 1-35). Samra discloses adapting to playback the media content in response to a editing control console at the target location (column 11, lines 31-35). Samra does disclose a conferencing system but does not disclose a video teleconferencing screen for display of a target operator and a camera positioned to capture the source operator for display at the target location. Kannes discloses a video teleconferencing screen for display of a target operator with a camera positioned to capture the source operator for display at the target location (column 4, lines 29-55). It would have been obvious for one skilled in the art at the time of the invention to learn from Kannes to include a video teleconferencing screen for display of a target operator and a camera positioned to capture the source operator for display at the target location. Kannes discloses an invention, wherein basic video conferencing mechanisms are used for a group of

users to communicate with each other, wherein this conferencing system is much like the conferencing system of Samra. Kannes further teaches specific implementations of the mechanisms for carrying out the video teleconferencing, which can be used by a conferencing system as that disclosed in Samra. It would have been obvious for one skilled in the art, at the time of the invention to learn from Kannes to include a video teleconferencing screen for display of a target operator and a camera positioned to capture the source operator for display at the target location.

Referring to claim 6, Samra discloses a system for display of media content from a source location, a display screen to display media content from source system, an audio system and an editing control console to remotely control the media content at both the source location and the target location (column 11, lines 5-35). Samra discloses a computer system to overlay comments onto the media content (column 2, lines 2-10). Samara does not disclose a volume control to control the audio system at both the source location and the target location and further video teleconferencing components as disclosed in the claim 6. Kannes discloses a volume control to control the audio system at both the source location and the target location (column 12, lines 3-13). Kannes also discloses a video teleconferencing screen for an eye-level display of the source operator, a two-way mirror to reflect the video teleconferencing screen display to the target operator at eye-level and a camera for capturing the target operator at eye level for display at the source location (column 3, lines 1-15). Kannes discloses an invention, wherein basic video conferencing mechanisms are used for a group of users to communicate with each other, wherein this conferencing system is much like the conferencing system of Samra. Kannes further teaches specific implementations of the mechanisms for carrying out the video teleconferencing, which

can be used by a conferencing system as that disclosed in Samra. It would have been obvious for one skilled in the art, at the time of the invention to learn from Kannes to include a video teleconferencing screen for display of a target operator and a camera positioned to capture the source operator for display at the target location.

Conclusion

3. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for collaboratively editing.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

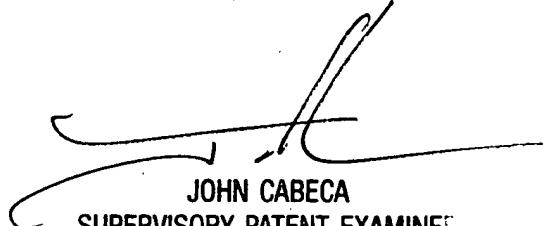
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

Art Unit: 2173

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
June 9, 2005



JOHN CABEZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100